

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JONATHAN GHERTLER,	:	CIVIL ACTION NO. 1:11-CV-526
Petitioner	:	
	:	(Judge Conner)
v.	:	
	:	
WARDEN DAVID EBBERT,	:	
Respondent	:	

ORDER

AND NOW, this 23rd day of May, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 9), recommending that the Petition for Writ of Habeas Corpus be dismissed as moot, and, following an independent review of the record and noting that petitioner filed objections¹ to the report on May 6, 2011 (Doc. 10), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding petitioner's objections to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of the magistrate judge (Doc. 9) are ADOPTED.
2. The Petition for Writ of Habeas Corpus (Doc. 1) is DISMISSED AS MOOT.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge